

**Schwartz, Paul**

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**From:** Ghosh, Ben  
**Sent:** Friday, March 29, 2013 10:50 AM  
**To:** Schwartz, Paul  
**Subject:** FW: DRAFT NPDES Permit - Vanceboro Quarry

**From:** Steve Whitt [<mailto:steve.whitt@martinmarietta.com>]  
**Sent:** Friday, March 29, 2013 10:37 AM  
**To:** Ghosh, Ben  
**Cc:** [tom.belnick@ncdenr.gov](mailto:tom.belnick@ncdenr.gov); Nuhfer, Mark; Paxton Badham; Brian North  
**Subject:** DRAFT NPDES Permit - Vanceboro Quarry

Mr. Ghosh,

On several occasions this week you have contacted me requesting information related to our draft NPDES Permit that is currently under review by your office. This permit has been drafted by the North Carolina Division of Environment and Natural Resources – Division of Water Quality. The site is for the proposed Martin Marietta Materials Inc. - Vanceboro Quarry. It is my understanding from discussions with Tom Belnick (Supervisor, NPDES Complex Permitting Unit – NCDENR – Division of Water Quality) that a Memorandum of Understanding (MOU) between NCDENR and the EPA covers protocol in this situation. This MOU specifies that any comments or requests for information from the EPA should be forwarded to the NCDENR contact on this permit. We have been requested to communicate directly with NCDENR on matters pertaining to this permit, and therefore we must respectfully decline to respond to your requests either for information or meetings unless and until we are so instructed by NCDENR.

Please forward any comments you have on this permit to the NCDENR contact noted in the material that they forwarded to your office.

Steve Whitt  
Martin Marietta Materials Inc.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 20 2013

Mr. Charles Wakild  
Director, Division of Water Quality  
North Carolina Department of Environment  
and Natural Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

Subject: Martin Marietta Materials, Inc.  
National Pollutant Discharge Elimination System Permit No. NC0089168

Dear Mr. Wakild:

On February 19, 2013, the above-referenced draft National Pollutant Discharge Elimination System (NPDES) permit and fact sheet were received by the U.S. Environmental Protection Agency from the North Carolina Department of Environment and Natural Resources (DENR), Division of Water Quality (DWQ).

On March 15, 2013, in accordance with Section IV.B.3 of the Memorandum of Agreement (MOA) between the State of North Carolina and the EPA, 40 Code of Federal Regulations (CFR) § 123.44(a), the EPA provided a written notice that it would use the full 90-day review period authorized by the MOA and federal regulations. The EPA has completed its review of the draft permit and is providing notice of its recommendations with respect to the draft permit in accordance with MOA Section IV(B)(3) and 40 CFR § 123.44. Based on a review of the draft permit, fact sheet, other information provided by DWQ and additional documents obtained from other sources, the EPA has determined that the draft permit does not ensure compliance with applicable water quality standards (WQS) and we are providing the following comments and recommendations.

**Project Summary**

On September 7, 2011 Martin Marietta Materials, Inc. obtained a modified mining permit from DENR/Division of Land Resources for the proposed Vanceboro Quarry. The modification was to increase the permitted acreages to 1664.1 acres, including approval to disturb 993.9 acres, contingent upon obtaining necessary approvals and permits from DWQ. The Notice of Public Hearing which was issued by DWQ on February 4, 2013, for 401 Water Quality Certification states, in part:

"The activity for which this Certification is sought is to impact 14,937 linear feet of jurisdictional man-made ditches and 6.69 acres of 404 jurisdictional wetland to construct a proposed 649-acre open pit aggregate mine located on the Beaufort/Craven county line."

On October 13, 2011, Martin Marietta Materials, Inc. submitted an individual NPDES permit application to DWQ for authorization to discharge comingled groundwater and stormwater from the Vanceboro Quarry.

The draft NPDES permit authorizes new discharge of 9 million gallons per day (MGD) of mine influenced wastewater from a new open pit aggregate mining facility to two unnamed tributaries to Blounts Creek with 7Q10 of zero (0) cubic feet per second. Blounts Creek is in the Tar-Pamlico River Basin and is a Nutrient Sensitive Water and Class C swamp. Blounts Creek discharges to Blounts Bay which is impaired by copper and chlorophyll a. Blounts Bay is classified as SB-NSW. Martin Marietta Materials, Inc. proposes to use two 50 million gallon clarification ponds to treat the effluent prior to discharge. The application stated that "No treatment plant will be part of the process and no chemicals are used in the production of the crushed stone."

The applicant provided summaries of estimated effluent characteristics for this new discharge. One groundwater sample was taken on August 7, 2007, from a spigot at a wellhead with no settling or treatment. Samples taken on February 7, 2011, and July 1, 2011, from a discharge from Martin Marietta Materials, Inc.'s Clarks Quarry were provided as representative samples with the NPDES application. These samples detected several pollutants: cadmium, calcium, chloride, fluoride, iron, magnesium, manganese, sodium, total dissolved solids, gross alpha, uranium, total suspended solids, total organic carbon, ammonia, aluminum, vanadium, nickel, copper, zinc and barium as well as measurements of turbidity, pH, acidity, hardness and temperature.

North Carolina has established applicable numeric WQS in 15A NCAC 02B .0211 (Fresh Surface Water Quality Standards for Class C Waters) for turbidity, temperature, pH, cadmium, fluoride, gross alpha, ammonia and nickel. North Carolina has also established numeric action levels for chloride, iron, copper and zinc. The other potential pollutants of concern are addressed by narrative WQS described in 15A NCAC 02B .0211(1-3). The WQS for the downstream Blounts Bay are described in 15A NCAC 02B .0222 (Tidal Salt Water Quality Standards for Class SB Waters) and 15A NCAC 02B .0220 (Tidal Salt Water Quality Standards for Class SC Waters).

### **Reasonable Potential Analysis**

Federal regulations at 40 CFR § 122.44(d) require a reasonable potential analysis (RPA) to determine if the receiving water body has sufficient assimilative capacity to ensure that the proposed discharges do not cause or contribute to violations of applicable numeric and narrative WQS. The EPA commends the DWQ for requiring several water quality studies that are summarized in the fact sheet and that provide data and information about the potential impacts of this proposed discharge.

Although it was not included with the draft fact sheet, North Carolina DWQ provided the EPA with an evaluation on April 26, 2013. However, this analysis does not appear to use a statistical multiplication factor consistent with the procedures outlined in the document "Reasonable Potential Analysis: North Carolina's RPA Policy for Establishing Permit Limits," approved by the EPA on November 17, 2000. The EPA recommends that DWQ analyze the effluent data using its policy and include the RPA in the fact sheet for the final permit. The evaluation provided by DWQ indicated that reasonable potential exists to cause or contribute to exceedances of numeric or narrative WQS for turbidity and iron.

The draft fact sheet notes that "[t]he pH would be raised from the 4.0-5.5 range to 6.3-6.9 in Blounts Creek above the confluence with Herrings Run...It was concluded that potential increases in pH in upper Blounts Creek may result in increases to the numbers and diversity of acidic-intolerant species...No adverse effects are likely to occur to fish species. Increases in pH provide more habitat and less stress to freshwater species; and diadromous species may also have a more suitable habitat for spawning...No adverse effects are likely to occur to macroinvertebrates or managed invertebrates."

The EPA recommends that the final permit require Martin Marietta Materials, Inc. to complete and submit items V and VI of Application Form 2C no later than two years after the commencement of discharge as required by 40 CFR § 122.21(k)(5)(vi).

### **Effluent Limitations**

Effluent limitations are required for any pollutant or parameters for which there is reasonable potential for the discharge to cause or contribute to an excursion above WQS according to 40 CFR § 122.44(d)(1)(i). The final permit should include effluent limitations that are as stringent as necessary to meet applicable narrative and numeric WQS.

The EPA recommends that the final permit include whole effluent toxicity limits consistent with 122.44(d)(1)(v) and 15A NCAC 02B .0211(4). The EPA also recommends that DWQ re-evaluate the draft limit for pH for consistency with water quality standards at 15A NCAC 02B .0211(3)(g) ("swamp waters may have a pH as low as 4.3 if it is the result of natural conditions") and 15A NCAC 02B .0211(1,2) ("maintenance of biological integrity"). Depending upon the result of a revised RPA, additional effluent limits may also be required.

### **Antidegradation Policy**

The EPA recommends that the final fact sheet include all required elements of an antidegradation analysis consistent with North Carolina's Antidegradation Policy (15A NCAC 2B .0201) and 40 CFR § 131.12. The antidegradation analysis should include a finding by DWQ that the proposed lowering of water quality is necessary to accommodate economic or social development in the area. Inherent in such a determination is the consideration of alternatives for minimization or eliminating the discharge. Further, the antidegradation analysis should document that all existing uses will be fully protected and that the highest statutory and regulatory requirements shall be achieved for this new point source.

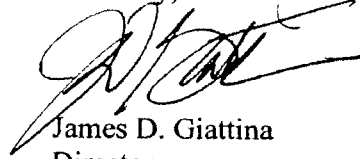
### **Proposed Permit**

In accordance with the MOA Section IV.B.6.c and 40 CFR § 123.44 and § 124.17, the EPA requests that DWQ send a copy of the proposed permit and response to comments for a fifteen (15) business day review prior to issuing the final permit.

I want to emphasize that our review of the draft permit has been guided by our mutual goal of protecting water quality consistent with the requirements of the CWA. We recognize the important role that the CWA provides to states in administering NPDES programs. In 2007, the DENR and the EPA Region 4 signed an updated NPDES MOA in which we agreed to maintain a high level of cooperation and coordination to ensure successful and effective administration of the NPDES program. Together we share an important responsibility to implement the CWA and we appreciate your efforts to work with us

to address issues identified during our permit review. Thank you again for your willingness to work with us to protect public health and water quality consistent with the requirements of the CWA. If you have any questions, please call Ben Ghosh of the Municipal and Industrial NPDES Section at (404) 562-9432.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', written over a horizontal line.

James D. Giattina  
Director  
Water Protection Division

cc: Mr. Steve Whitt  
Director, Environmental Services  
Martin Marietta Materials, Inc.

Ms. Heather Jacobs Deck  
Pamlico-Tar RIVERKEEPER

Mr. Tom Belnick (tom.belnick@ncdenr.gov)

**Pearce, Jennifer**

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**From:** Nuhfer, Mark  
**Sent:** Wednesday, September 11, 2013 9:51 AM  
**To:** Bob Boulden  
**Cc:** Giattina, James; Thomas, Chris  
**Subject:** RE: Comments Concerning May 2013 Letter to Mr. Wakild from Mr. Giattina

Dear Mr. Boulden-

Thank you very much for your thoughtful follow-up letter and continued interest in this permit. It's clear you are passionate about protecting Blounts Creek.

It may help you to know that federal regulations give EPA discretionary authority over state NPDES permits; EPA may "make general comments upon, objections to, or recommendations with respect to" draft permits prepared by authorized state agencies such as the North Carolina Department of Environment and Natural Resources.

In the southeast there are more than 9,000 individual NPDES permits for wastewater and stormwater dischargers. There are almost 10 times that amount of regulated dischargers that are authorized to discharge under general NPDES permits.

Although EPA does not review every permit prepared by state agencies, when we do review a draft permit it is extremely rare for the EPA to object to a draft permit, as a permit objection may require the EPA to ultimately issue and administer the permit. However, we do comment and make suggestions on how the permits may be improved, and in cases we raise various levels concerns to state agencies, as we did with the draft NPDES permit prepared by the North Carolina Division of Water Quality for the Martin Marietta Materials, Inc. (MMM) Vanceboro Quarry.

State agencies are required to respond to significant comments raised during the public comment period, including those raised by the EPA. States are not specifically required, however, to implement the EPA's recommendations.

The Clean Water Act and federal NPDES regulations anticipated that the federal government would have resources sufficient to provide programmatic oversight to the NPDES programs that EPA approved states to administer, but does not have the capacity to work on every permit prepared by authorized state agencies. There are strong public involvement and public appeals rights built into the NPDES program that gives interested and affected citizens the opportunity to speak up and to influence the decisions of state permitting agencies. If a person believes the permits are not legally defensible, the regulations provides citizens the opportunity to appeal permit decisions of the permit issuing authority.

Even if permits aren't appealed, the federal rules require permit decisions to be revisited at least every 5 years with new applications and data that can lead to different permit conditions. Those rules also allow any interested person to request that a state permitting agency modify, revoke and reissue, or terminate a permit under certain conditions. The conditions for modifying or revoking and reissuing a permit are in 40 Code of Federal Regulations 122.62 and the conditions for terminating a permit are at 122.64.

The Clean Water Act is stronger and more effective when citizens that are affected by decisions from state and federal permitting agencies are active, speak up, and participate in the process. Thank you again for your interest.

Sincerely,

Mark Nuhfer, Chief

Municipal and Industrial NPDES Section  
EPA Region 4  
[nuhfer.mark@epa.gov](mailto:nuhfer.mark@epa.gov)  
404.562.9390

**From:** Bob Boulden [<mailto:bbncltd@yahoo.com>]  
**Sent:** Monday, September 09, 2013 3:49 PM  
**To:** Nuhfer, Mark  
**Cc:** Giattina, James; Mccarthy, Gina  
**Subject:** Comments Concerning May 2013 Letter to Mr. Wakild from Mr. Giattina

Good Afternoon!

I've attached a letter for your review and comments. It was too long to send as an email.

Regards - Captain Bob Boulden



**Pearce, Jennifer**

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**From:** Belnick, Tom [tom.belnick@ncdenr.gov]  
**Sent:** Tuesday, April 09, 2013 10:53 AM  
**To:** Nuhfer, Mark  
**Cc:** Thomas, Alicia; Thomas, Chris  
**Subject:** RE: Reminder and Request for Discussion Topics: April 10 R4 NPDES Managers' Monthly Call- Environmental Justice

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

That's fine. But I would still like to know what specific criteria are used by EPA, particularly in light of the EPA email back in March stating that environmental justice issues appear to be involved with the Martin Marietta quarry permit. I would not think that this project triggered minority or economic thresholds, and we held a public hearing to gather local input for the decision-making process. So I'm still confused as to the criteria/process used for environmental justice determination and any light you can shed would be useful for all States.

Tom Belnick  
Supervisor, NPDES Complex Permitting Unit  
NCDENR/Division of Water Quality  
919-807-6390

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**From:** Nuhfer, Mark [mailto:Nuhfer.Mark@epa.gov]  
**Sent:** Tuesday, April 09, 2013 10:28 AM  
**To:** Belnick, Tom  
**Cc:** Thomas, Alicia; Thomas, Chris  
**Subject:** RE: Reminder and Request for Discussion Topics: April 10 R4 NPDES Managers' Monthly Call- Environmental Justice

Tom- that's a really interesting and complex question. Rather than try to pull together something rushed and incomplete for tomorrow morning I'd like to have Alicia Thomas (my staff lead for Environmental Justice) work with our Regional Environmental Justice group to provide something more comprehensive for next month's call. That would also be a good opportunity to hear from the states about how they evaluate Environmental Justice issues.

One of the things that makes it difficult to give a simple answer to this question right now is that the EPA is, at this very moment, working on new screening tools for Environmental Justice, new national and regional Environmental Justice plans and strategies, new Environmental Justice permitting strategies, and new procedures to identify and address potential Environmental Justice issues. There are multiple teams and workgroups at multiple levels within the EPA working on these.

As a starting point, I've always worked with the basic definition and principles from the EPA's Environmental Justice website at <http://www.epa.gov/environmentaljustice/basics/index.html>

"Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

What is meant by fair treatment and meaningful involvement?

Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies

Meaningful Involvement means that:

people have an opportunity to participate in decisions about activities that may affect their environment and/or health;

the public's contribution can influence the regulatory agency's decision;

their concerns will be considered in the decision making process; and

the decision makers seek out and facilitate the involvement of those potentially affected

EPA and Environmental Justice

EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.

EPA's environmental justice mandate extends to all of the Agency's work, including setting standards, permitting facilities, awarding grants, issuing licenses and regulations and reviewing proposed actions by the federal agencies. EPA works with all stakeholders to constructively and collaboratively address environmental and public health issues and concerns. The Office of Environmental Justice (OEJ) coordinates the Agency's efforts to integrate environmental justice into all policies, programs, and activities. OEJ's mission is to facilitate Agency efforts to protect environment and public health in minority, low-income, tribal and other vulnerable communities by integrating environmental justice in all programs, policies, and activities."

Sincerely,

Mark Nuhfer, Chief

Municipal and Industrial NPDES Section

EPA Region 4

61 Forsyth St, SW

Atlanta, GA 30303

[Nuhfer.mark@epa.gov](mailto:Nuhfer.mark@epa.gov)

404-562-9390

**From:** Belnick, Tom [<mailto:tom.belnick@ncdenr.gov>]

**Sent:** Monday, April 08, 2013 2:34 PM

**To:** Nuhfer, Mark

**Subject:** RE: Reminder and Request for Discussion Topics: April 10 R4 NPDES Managers' Monthly Call

Mark- can you give an overview of criteria/process used by EPA to evaluate Environmental Justice issue. Thanks.

Tom Belnick

Supervisor, NPDES Complex Permitting Unit

NCDENR/Division of Water Quality

919-807-6390

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**Pearce, Jennifer**

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**From:** Ghosh, Ben  
**Sent:** Wednesday, May 08, 2013 4:05 PM  
**To:** Nuhfer, Mark; Thomas, Chris  
**Subject:** FW: Martin Marietta Materials Inc NC 0089168  
**Attachments:** 89168 Public Notice.pdf; Vanceboro DRAFT permit.pdf; Vanceboro fact sheet 89168.pdf

What about discussing about Martin Marietta with Jim

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**From:** Belnick, Tom [tom.belnick@ncdenr.gov]  
**Sent:** Thursday, March 21, 2013 2:41 PM  
**To:** Ghosh, Ben  
**Cc:** Nuhfer, Mark  
**Subject:** RE: Martin Marietta Materials Inc NC 0089168

Ben- my responses below in red. Let me know if any additional questions on Martin Marietta/Vanceboro Quarry.

1. When the Public Comment Period will be over ? Can we get copies of the Public Comments ? Public comment period ends 4/12/2013. All comments will be posted to a website that you will be able to review.
2. When Hearing Officer will make a determination ? Can we get a copy of hearing officers' determination ? The Hearing Officer will make recommendations to the Director after reviewing the complete public record. The Director will take Final Action within 90 days of record closing.
3. What is the NC's requirements for Anti Deg Analysis ? Can we get anti deg analysis done entirely satisfying that anti deg analysis requirement if that has not been done ? NC's Antidegradation Policy is located at NCAC 15A NCAC 2B.0201. I believe the Fact Sheet is consistent with the Policy.
4. Can you please send an electronic copy of the draft permit and fact sheet ? Attached

Tom Belnick  
Supervisor, NPDES Complex Permitting Unit  
NCDENR/Division of Water Quality  
919-807-6390

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties

**From:** Ghosh, Ben [mailto:Ghosh.Ben@epa.gov]  
**Sent:** Thursday, March 21, 2013 1:53 PM  
**To:** Belnick, Tom  
**Subject:** Martin Marietta Materials Inc NC 0089168

Ben Ghosh  
Metallurgical, Mining and Environmental Engineer  
USEPA Region IV  
61 Forsyth St SW  
Atlanta, GA 30303  
Tel: 404-546-9432  
Fax: 404-562-9224  
At EPA, earthday is every day.



**NOTICE OF PUBLIC HEARING  
FOR  
MARTIN MARIETTA MATERIALS – PROPOSED VANCEBORO QUARRY  
APPLICATION FOR 401 WATER QUALITY CERTIFICATION AND  
APPLICATION FOR NEW NPDES DISCHARGE PERMIT  
NORTH CAROLINA DIVISION OF WATER QUALITY**

The North Carolina Division of Water Quality will hold a public hearing on Thursday March 14, 2013, beginning at 7:00 pm at the Beaufort County Community College, Building 8-Auditorium, 5337 Highway 264 East, Washington, NC 27889. Doors will open at 6:00 pm for speaker registration and sign-in. The purpose of the public hearing is to allow interested persons to submit oral and/or written comments on the proposed Martin Marietta Materials Vanceboro Quarry, specifically regarding the 1) application for 401 Water Quality Certification, and 2) application for new NPDES discharge permit.

Background/401 Certification

PUBLIC NOTICE is hereby given that Martin Marietta Materials has applied to the North Carolina Division of Water Quality (DWQ) for a 401 Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act and Water Quality Commission rules in 15A NCAC 2B .0101, 15A NCAC 2B .0231 and 15A NCAC 2H .0500. The activity for which this Certification is sought is to impact 14,937 linear feet of jurisdictional man-made ditches and 6.69 acres of 404 jurisdictional wetlands to construct a proposed 649-acre open pit aggregate mine located on the Beaufort/Craven County line. To mitigate for the proposed impacts the applicant proposes to restore 6.75 acres of non-riparian wetlands via payment to the North Carolina Ecosystem Enhancement Program (EEP).

Background/NPDES Permit NC0089168

PUBLIC NOTICE is hereby given that on the basis of preliminary staff review and application of Article 21 of Chapter 143, General Statutes of North Carolina, and other lawful standards and regulations, the North Carolina Environmental Management Commission proposes to issue a new NPDES permit for this facility subject to specific pollutant limitations and special conditions. The proposed NPDES Permit NC0089168 to Martin Marietta Materials provides for a discharge of up to 9 MGD of mine dewatering and comingled stormwater to unnamed tributaries to Blounts Creek, a Class C Swamp NSW water in Beaufort County within the Tar Pamlico River Basin. This proposed discharge may affect future discharge allocations. The facility will be located off Welbourn Road, near Vanceboro, on Weyerhaeuser property.

Public Hearing/Procedures

The public is invited to comment in writing on the above-mentioned 401 application and NPDES permit as well as speaking during the Public Hearing. Those wanting to speak will need to register at the hearing, and speaking sequence will be based on the order of registration. Registration will begin at 6:00 pm. Speaking times may be limited to 3 minutes maximum per speaker, with the final time limit to be determined on the day of the hearing depending upon the number of registered speakers. Cross examination of persons speaking will not be allowed; however, the Hearing Officers may ask questions for clarification. Written comments may be

forwarded at any time before or after the hearing provided they are received by the Division no later than April 12, 2013.

Written comments may be sent via regular mail to the N.C. Division of Water Quality, Wetlands and Stormwater Branch, 1650 Mail Service Center, Raleigh, NC, 27699-1650, Attn: Cyndi Karoly, or emailed to [Cyndi.Karoly@ncdenr.gov](mailto:Cyndi.Karoly@ncdenr.gov) (Phone 919-807-6380). Comments may also be hand-delivered to the physical location of the DWQ Central Office at Room 826T, 512 N. Salisbury St., Raleigh, NC, 27604, or the DWQ Washington Regional Office at 943 Washington Square Mall, Washington, North Carolina, 27889, Attn: Amy Adams (phone 252-946-6481). Please be sure to identify the Vanceboro Quarry project in the subject line of your correspondence to ensure proper routing.

#### Information

Copies of the 401 application are posted online at:

<http://its.enr.state.nc.us/laserfiche8/Login.aspx?db=NCDWQ> (Username: public, Password: password).

Copies of the Draft NPDES permit and Fact Sheet are linked online at:

<http://portal.ncdenr.org/web/wq/swp/ps/npdes/calendar>.

Copies of both 401 application and NPDES Draft Permit/Fact Sheet are also available at the DWQ Washington and Raleigh Central locations listed above during normal business hours (8:00 a.m. to 5:00 p.m.) and may be inspected by the public. Original physical copies of all public comments received will be filed at the Raleigh location, and will also be available online. Those wishing to view the physical file materials are advised to schedule an appointment to ensure that the file is available for a dedicated time slot. File materials may not be removed from any DWQ office, as copy machines are available for use at a nominal charge.

Charles Wakild, P.E.  
Director  
N.C. Division of Water Quality  
Date: February 4, 2013

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY

**PERMIT**

TO DISCHARGE WASTEWATER UNDER THE  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

**Martin Marietta Materials, Inc.**

is hereby authorized to discharge wastewater from a facility located at:

Vanceboro Quarry  
Off of Welbourn Road near Vanceboro  
Weyerhaeuser Property  
Beaufort County

to receiving waters designated as unnamed tributaries to Blounts Creek in the Tar-Pamlico River Basin in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective \_\_\_\_\_.

This permit and authorization to discharge shall expire at midnight on \_\_\_\_\_.

Signed this day: \_\_\_\_\_

**\*DRAFT\***

Charles Wakild, PE, Director  
Division of Water Quality  
By Authority of the Environmental Management Commission

## **SUPPLEMENT TO PERMIT COVER SHEET**

The exclusive authority to operate and discharge from this facility arises under the permit conditions, requirements, terms, and provisions included herein.

### **Martin Marietta Materials, Inc.**

is hereby authorized to:

1. Discharge mine dewatering and comingled stormwater at the locations specified on the attached map from two pit clarification ponds, each with an approximate volume of 50 million gallons, through outfall 001 and outfall 002 into an unnamed tributary of Blounts Creek, which is classified as C-Swamp NSW waters in the Tar-Pamlico River Basin.



**A (1) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Outfall 001)**

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge from outfall 001<sup>1</sup>. Such discharges shall be limited and monitored by the permittee as specified below:

PARAMETER	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location <sup>2</sup>
Flow <sup>3</sup>	4.5 MGD			Continuous	Recording	E
Total Suspended Solids				Monthly	Grab	E
Total Iron				Monthly	Grab	E
Turbidity <sup>4</sup>				Monthly	Grab	E, U, D
Settleable Solids	0.1 ml/L		0.2 ml/L	Monthly	Grab	E
pH	Between 6.0 and 9.0 standard units			Monthly	Grab	E

THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR FOAM VISIBLE IN OTHER THAN TRACE AMOUNTS.

**NOTES:**

1. This outfall discharges mine dewatering and comingled stormwater.
2. Sample Locations: E – Effluent, U – Upstream, D – Downstream. All required upstream sampling shall be conducted near the intersection of Blounts Creek and Chuck Road. Downstream sampling shall be conducted after the convergence of the flows from the two outfalls in Blounts Creek, from the access location off of Harper Road.
3. Total flow volume shall be recorded by a continuous flow measurement instrument. Alternatively, pump curves and pump logs may be used as a means to calculate flow volume.
4. The discharge shall not cause the turbidity of the receiving waters to exceed 50 NTU. If the turbidity exceeds this level due to natural background conditions, the discharge level cannot cause any increase in the turbidity in the receiving waters. Instream turbidity monitoring shall not be required unless effluent turbidity exceeds 50 NTU. If effluent turbidity exceeds 50 NTU, instream monitoring shall be conducted weekly during the months of June, July, August, and September and monthly during the remaining months of the year until effluent turbidity is less than 50 NTU.

**A (2) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Outfall 002)**

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge from outfall 002<sup>1</sup>. Such discharges shall be limited and monitored by the permittee as specified below:

PARAMETER	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location <sup>2</sup>
Flow <sup>3</sup>	4.5 MGD			Continuous	Recording	E
Total Suspended Solids				Monthly	Grab	E
Total Iron				Monthly	Grab	E
Turbidity <sup>4</sup>				Monthly	Grab	E, U, D
Settleable Solids	0.1 ml/L		0.2 ml/L	Monthly	Grab	E
pH	Between 6.0 and 9.0 standard units			Monthly	Grab	E

THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR FOAM VISIBLE IN OTHER THAN TRACE AMOUNTS.

**NOTES:**

1. This outfall discharges mine dewatering and comingled stormwater.
2. Sample Locations: E – Effluent, U – Upstream, D – Downstream. All required upstream sampling shall be conducted near the intersection of Blounts Creek and Chuck Road. Downstream sampling shall be conducted after the convergence of the flows from the two outfalls in Blounts Creek, from the access location off of Harper Road.
3. Total flow volume shall be recorded by a continuous flow measurement instrument. Alternatively, pump curves and pump logs may be used as a means to calculate flow volume.
4. The discharge shall not cause the turbidity of the receiving waters to exceed 50 NTU. If the turbidity exceeds this level due to natural background conditions, the discharge level cannot cause any increase in the turbidity in the receiving waters. Instream turbidity monitoring shall not be required unless effluent turbidity exceeds 50 NTU. If effluent turbidity exceeds 50 NTU, instream monitoring shall be conducted weekly during the months of June, July, August, and September and monthly during the remaining months of the year until effluent turbidity is less than 50 NTU.

**A (3) PUMPING OPERATION AND MONITORING PLAN**

The permittee shall secure an approved pumping operation and monitoring (O&M) plan. The pumping O&M plan shall include, but is not limited to, the following:

- A detailed site plan showing wetlands, ditches, well placements, pits, borrow areas, overburden storage, stormwater controls/BMPs, vehicle maintenance areas, total drainage area, and access/haul roads,
- Groundwater monitoring strategies to demonstrate the effects of pumping,
- Detailed plans to maintain the surrounding hydrology that protects the affected streams and wetlands and the respective monitoring to demonstrate compliance, and
- The pumping regime deemed necessary to protect affected streams and wetlands.

Approval of the pumping O&M plan by the Division's Washington Regional Office Surface Water Protection Section is required prior to the commencement of mining operations.

**A (4) BEST MANAGEMENT PRACTICES (BMPs)**

The permittee shall maintain stormwater BMPs for mine excavation and disturbance areas, and any other areas associated with mining or vehicle maintenance activities. Appropriate BMPs should be used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from each outfall. Any stormwater controls shall be regularly inspected.

BMPs shall include a preventative maintenance program, which shall ensure equipment used during mining activities will be operated and maintained to prevent pollution of the surface water or groundwaters of the state. Fuels, lubricants, coolants, hydraulic fluids, and other petroleum products shall not be discharged on the ground or into surface waters. Spilled fluids shall be cleaned up to the maximum extent practicable and properly disposed.

**A (5) CHEMICAL TREATMENT**

Martin Marietta Materials, Inc. is prohibited from applying any form of chemical treatment to this discharge, or using any chemicals in the crushed stone production process, unless pre-approved by written authorization from the Division. Flocculants evaluated by the Division may be used if administered in accordance with maximum application doses.


**A (6) BENTHIC MONITORING REQUIREMENT**

In order to evaluate the biological impact of this discharge, the permittee shall perform benthic sampling at four locations. All results shall be submitted to the NPDES Unit at least six months prior to the expiration date of this permit. The locations shall be the same as those previously sampled in April 2011 by CZR Incorporated in support of the permittee's Section 401 application. They include the sites designated BC, UT1, UT2, and UT3. Please refer to "Aquatic Habitat Assessment of the Upper Headwaters of Blounts Creek in the Vicinity of a Potential Quarry Site near Vanceboro, Beaufort County, NC" (August 2011).

Benthic sampling shall be performed by a laboratory certified for benthic assessments, using approved sampling methods. All sampling procedures must be in accordance with the latest version of Standard Operating Procedures for Collection and Analysis of Benthic Macroinvertebrates, by the Division of Water Quality Environmental Sciences Section.



**FACT SHEET FOR NPDES PERMIT DEVELOPMENT**  
**NPDES PERMIT No. NC0089168**

Facility Information			
Applicant/Facility:	Martin Marietta Materials, Inc. - Vanceboro Quarry		
Applicant Address:	P.O. Box 30013, Raleigh, NC 27622		
Facility Address:	Welbourn Road, Vanceboro, NC		
Permitted Flow (MGD):	9 MGD design average flow, split between Outfalls 001/002		
Type of Waste:	Groundwater and Stormwater		
Facility Classification:	I		
Permit Status:	New Proposed Discharge		
County:	Beaufort		
Miscellaneous			
Receiving Stream:	UT to Blounts Creek	Regional Office:	Washington
Stream Classification:	C-Sw NSW	NC Grid/USGS Quad:	Bath
River Basin:	Tar-Pamlico	Date:	February 4, 2013
Subbasin	030307	Facility Location: 	
303 (d) listed?	No		
Summer 7Q10 (cfs)	Zero		
8-digit HUC	03020104		
IWC (%):	100%		

**Overview:**

- This is a new application from Martin Marietta Materials for a discharge of comingled groundwater and stormwater from mining operations. Although a facility of this type typically obtains coverage under the NCG020000 General NPDES stormwater permit, it was decided that the discharge volume and proximity to coastal waters warranted that the facility obtain an individual NPDES wastewater permit.
- The extracted mineral is crushed limestone for use in the construction industry. Pit dewatering, required to extract this material, will create a discharge of comingled groundwater and stormwater. The flow from pit dewatering and comingled stormwater during full production is estimated to be 9.0 MGD. It is projected that full production may take decades to reach.
- The proposed discharge will mostly come from the Castle Hayne aquifer. Based on aquifer testing data, this discharge is expected to have a pH of 6.9, an alkalinity of 321 mg/L, and a hardness of 316 mg/l.
- The facility will have two outfalls which discharge to separate tributaries. Each outfall has a projected discharge of 4.5 MGD. Distributing flow to two separate ditches will act to minimize potential geomorphic impacts.
- This site will not discharge any domestic wastewater, and does not include oxygen-demanding waste.

- Wastewater treatment will consist of two pit clarification ponds. These ponds have a capacity of about 50 million gallons each.
- There will be a series of closed-loop settling cells which will provide 125 million gallons of plant makeup water.
- No chemicals will be used in the processing of crushed stone or added to the discharge.
- The mining site is surrounded by property owned by Weyerhaeuser Company for silviculture operations, and has been extensively ditched.
- Due to heightened public interest, a public hearing on the draft permit will be held. The hearing will be combined with a public hearing required for the issuance of a Section 401 water quality certification.

### **Receiving Stream**

- Both outfalls discharge to UTs to Blounts Creek. These discharge locations are considered zero-flow freshwater streams. They are located approximately 1100 feet apart.
- Blounts Creek is tributary to Blounts Bay, which flows into the Pamlico River.
- The outfalls are located at the headwaters of Blounts Creek. Blounts Creek from its source to Herring Run is classified C-Swamp NSW; from Herring Run to Blounts Bay it is classified SB-NSW. Herring Run is approximately three miles downstream from the confluence of the outfalls.
- The outfalls are not located in a primary nursery area (PNA).
- Blounts Creek is not on the 2012 303(d) list. However, Blounts Bay is listed as being impaired for chlorophyll-a and for copper. This discharge is not expected to contribute to this impairment. The wastestream is not considered a nutrient source, and should not stimulate algal growth.
- USGS does not currently provide low-flow characteristics for streams affected by tidal influences. Therefore low-flow characteristics cannot be determined for the location where Blounts Creek discharges into Blounts Bay nor for the Pamlico River at Blounts Bay.

### **Permit Development**

- Federal effluent guidelines at 40 CFR 436.22 apply to the crushed stone subcategory of mineral mining and processing. The only parameter applicable in these guidelines is pH, which is limited to a range of 6.0- 9.0 standard units similar to State freshwater standards.
- NC General Stormwater Permit No. NCG020000 for mine dewatering discharges was used as a guideline for permit development. Applicable conditions from the general permit, including the pumping operation and monitoring plan and relevant best management practices (BMPs), were included as special conditions.
- As a limestone mining operation this facility falls under SIC code 1429 for crushed and broken stone. 15A NCAC 2B.0508 specifies monthly monitoring for turbidity, settleable matter, TSS, and pH.
- A toxicity testing requirement was not proposed for this application. The discharge consists solely of mine dewatering groundwater and stormwater, with no chemicals added. Division guidance is not to require toxicity testing for mine dewatering.
- Settleable solids were limited to 0.1 ml/L, consistent with the stormwater general permit.
- Effluent Turbidity was limited to that which would not cause the concentration in the receiving waters to exceed 50 NTU. This is in accordance with standards for freshwater Class C waters.

### Engineering Alternatives Analysis

- In accordance with state regulations concerning antidegradation (15A NCAC 2B.0201), the permittee must consider non-discharge alternatives. The permit application contained an engineering alternatives analysis (EAA) dated September 2011 to consider these options.
- In response to a request for additional information regarding non-discharge alternatives, the applicant submitted a revised EAA on September 14, 2012 prepared by Groundwater Management Associates (GMA). The following options were considered: connection to an existing public water supply system, land application, groundwater injection, direct discharge, and combinations of direct discharge with each of the other alternatives. As shown on the following table, it was demonstrated that the most economical and technically feasible alternative was a direct discharge of all effluent to surface waters. The Division concurs with the conclusions of the revised EAA.

Discharge Alternative	Present Value of Costs Analysis (20 Year)
100% Discharge to Blounts Creek	\$2,997,928
Raw Water to Vanceboro & Discharge to Blounts Creek	\$6,775,594
Groundwater ReInjection & Discharge to Blounts Creek	\$7,698,116
100% Groundwater ReInjection	\$11,919,365
Raw Water to Vanceboro & Land Application Discharge	\$21,410,542
100% Land Application	\$23,002,364

### Water Quality Impacts Evaluation

The two major water quality parameters that may be influenced by a quarry dewatering discharge at this location are pH and salinity. Due to heightened public interest and the complex nature of these issues, the Division requested that the applicant conduct further studies. Martin Marietta Materials, Inc. subsequently contracted for the studies summarized below:

- Aquatic Habitat Assessment of the Upper Headwaters of Blounts Creek in the Vicinity of a Potential Quarry Site near Vanceboro, Beaufort County, NC (CZR Incorporated, August 2011). This study evaluated Blounts Creek and associated unnamed tributaries for aquatic habitat at four locations - two potential impact locations and two control (no planned impact) locations. The habitat assessment included a collection of water quality data (salinity, dissolved oxygen, and pH), fish data (species richness), and macroinvertebrate diversity. Water quality data were within expected ranges for coastal plain swamp streams.
- Technical Memorandum from Kimley-Horn and Associates (Kimley-Horn) dated September 6, 2012. This report summarized the results of several analyses regarding stream stability, potential flooding, and water quality issues. It also provided predicted zones of impact for further analysis. There were four major conclusions: (1) Modeling indicated that there is no substantial off-site impact to flooding from the addition of a maximum 18 cfs discharge; (2) The results of the bank stability analysis showed that only minor changes would be anticipated from this discharge; (3) The pH would be raised from the 4.0-5.5 range to 6.3-6.9 in Blounts Creek above the confluence with Herrings Run; and (4) Predicted changes in salinity would not be enough to affect mobile aquatic species. It was concluded that potential increases in pH in upper Blounts Creek may result in increases to the numbers and diversity of acidic-intolerant species. It was also recommended that the further planned study by CZR Incorporated provide a narrative discussion of potential impacts to immobile plants and invertebrates.

- Water Quality Analysis Technical Memorandum by Kimley-Horn dated October 10, 2012. This report addressed comments from the Division and from the US Army Corps of Engineers (USACE), and provided CZR Incorporated with predicted zones of potential impact for further analysis. The report concluded that an increase in pH (from 4.0-5.5 to 6.3-6.9) would be noticeable from the discharge point to the confluence with Herrings Run. Regarding salinity, a volumetric displacement model predicted no significant changes at the affected area downstream of Herrings Run. Such changes may be masked by the natural variability from tidal effects and runoff events. For example, actual salinity measurements taken after Tropical Storm Beryl in May 2012 and other storm events showed much lower salinity than that predicted to occur from the permitted discharge. Model predictions generally show less than one part per thousand (1 ppt) difference in salinity between base flow conditions and base flow plus full discharge conditions, at several distances and depths below Herrings Run.
- Flood and Stability Technical Memorandum by Kimley-Horn dated October 10, 2012. This report addressed concerns from comments made by the Division, by USACE, and by residents of the Cotton Patch Subdivision regarding flood elevations and stream stability. The results of this study found that the discharge from the proposed quarry would have little effect on flood elevations. In addition, the maximum dewatering discharge from the two outfalls was predicted to result in little or no changes to the channel geometry of the upper reaches of Blounts Creek. The limited amount of stream bank erosion would not be expected to result in a significant increase in instream turbidity.
- Technical Memorandum by CZR Incorporated, October 30, 2012. This report addressed potential effects on identified fish populations from predicted changes in Blounts Creek water quality. The report findings include: (1) No adverse effects are likely to occur to fish species. Increases in pH provide more habitat and less stress to freshwater species; and diadromous species may also have a more suitable habitat for spawning; (2) No adverse effects are likely to occur to macroinvertebrates or managed invertebrates (e.g. blue crabs, hard clams, shrimp); (3) No adverse effects are likely to essential fish habitat (EFH) in Blounts Creek due to predicted changes in pH, salinity, and flow velocity from the proposed maximum design quarry discharge. EFH includes submerged aquatic vegetation (SAV), aquatic beds, wetlands, and the water column. The report also notes that the only Federally-listed endangered, threatened, or special-concern fish species known or expected to regularly occur in the vicinity of Blounts Creek is the American eel (*Anguilla rostrata*), currently listed by USFWS as a species of concern.

On the basis of the above reports, DWQ concludes that the proposed discharge will have no likely significant adverse effects to aquatic life.

#### **Proposed Schedule for Permit Issuance:**

Draft Permit to Public Notice:  
Public Hearing  
Permit Scheduled to Issue:

February 4, 2013  
March 14, 2013  
June 2013

#### **NPDES CONTACT**

If you have questions regarding any of the above information or Draft Permit, please contact Tom Belnick at (919) 807-6390 or via email at [tom.belnick@ncdenr.gov](mailto:tom.belnick@ncdenr.gov).



September 9, 2013

Mr. Mark Nuhfer, Chief  
Municipal & Industrial NPDES Section  
US EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

Hello Mark:

Thank you for sending me, on August 27, "EPA's May Comment Letter" concerning the Martin Marietta Materials, Inc. (MMM) Vanceboro Quarry NPDES permit. I've read and reread the document, checked many different references under 15A NCAC and the Clean Water Act (CWA) and can't find any logical reason why EPA would not have had serious issues with the course of action NCDENR DWQ (DWQ) was pursuing. EPA notified DWQ that they would use the full 90 day period to review the documents and also requested that DWQ send EPA a copy of the final NPDES permit 15 business days prior to the issuance of the final permit. Logically, to me at least, this indicates that there were areas of concern. Yet EPA made only a few recommendations and made mention of several issues for DWQ consideration.

As I've stated previously it has always been my understanding that state implemented plans must be at least as stringent as Federal - in this case the CWA. Apparently, Director Giattina's comment of "...our mutual goal of protecting water quality consistent with the requirements of the CWA." has no real value.

Am I to assume that under the CWA EPA sanctions:

- the discharge of 12,000,000 gallons of water per day to a swamp that has little or no flow
- raising the pH of the receiving body of water by nearly 3 units
- discharging more than 9 pounds per day of aluminum (which is toxic to fish)

There were many additional issues brought to the attention of DWQ that were ignored. They were available for your review during the permitting process. I personally sent many of them to Ben Ghosh of your office and spoke with him several times on the telephone.

It appears (and perhaps only to me) that the real problem lies within the "Antidegradation Policy" where Director Giattina states "The antidegradation analysis should include a finding by DWQ that the proposed lowering of water quality is necessary to accommodate economic or social development in the area." That is one of the most insane comments I've heard throughout this entire permitting process! The only significant economic benefit is for MMM - their current quarry in nearby New Bern is nearly "worked out" and they need another area to mine limestone.

I do not think there will be any new jobs for the citizens of Beaufort County. I expect the workers from the old quarry will drive a few more miles to work and operate the Vanceboro Quarry. Vanceboro Quarry - why was it given that name? While the vast majority of the proposed quarry is within Beaufort County, Vanceboro is in Craven County. Are the tax rates to conduct business cheaper in Craven County than they are in Beaufort County? They get the benefit and we get the pollution. Again, the only significant economic benefit is for MMM! Conversely, EPA and DWQ apparently believe it is acceptable to significantly and negatively impact a several hundred thousand dollar per year recreational fishing industry on Blounts Creek. That will negatively impact economic development!

I apologize for my somewhat harsh words, but sincerely believe that the beneficial use of Blounts Creek was not seriously considered during this permitting process. As I stated during my public hearing presentations, I'm not against the quarry just the unnecessary discharge to Blounts Creek. Dr. Stanley Riggs, a professor at East Carolina University, states that "Blounts Creek in its current form is between 18,000 and 25,000 years old". What a shame it will be to negatively impact the creek by allowing MMM to change the water chemistry for the next 50 years!

Please contact me with any questions or comments. I look forward to hearing from you. I'm sending this letter via email to you, Mr. Giattina and Gina McCarthy and will follow up with a US Mail copy to each.

Respectfully,

Captain Bob Boulden  
Miss Bea Charters  
511 Long Point Road  
Chocowinity, NC 27817  
252-402-5564

**Pearce, Jennifer**

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**From:** Nuhfer, Mark  
**Sent:** Friday, February 14, 2014 1:31 PM  
**To:** Marraccini, Davina  
**Cc:** Ghosh, Ben; Thomas, Chris; Schwartz, Paul  
**Subject:** RE: Calls from reporter and SELC attorney re: NC Martin Marietta Vanceboro Quarry Permit

How about this version?

EPA has completed its review of this NPDES permit and anticipates no further involvement unless the permit is substantially changed and the state resubmits it to EPA for review. Generally EPA does not review state permits that are made more stringent under an appeal. However, EPA does maintain authority to review state permits when renewed every five years or when modified for any reason.

**From:** Marraccini, Davina  
**Sent:** Friday, February 14, 2014 1:22 PM  
**To:** Nuhfer, Mark  
**Cc:** Ghosh, Ben; Thomas, Chris; Schwartz, Paul  
**Subject:** RE: Calls from reporter and SELC attorney re: NC Martin Marietta Vanceboro Quarry Permit

All,

I plan to send the reporter the May comment letter and July email correspondence, along with the following statement. Please edit as needed:

EPA has completed its review of this NPDES permit and anticipates no further involvement unless the permit is substantially changed and the state resubmits it to EPA for review. Generally, permits are not resubmitted if the changes are more stringent than the original permit we reviewed.

Davina Marraccini  
Public Affairs Specialist  
U.S. EPA Region 4  
404-562-8293 (office)  
404-387-4368 (cell)  
404-562-8335 (fax)  
[marraccini.davina@epa.gov](mailto:marraccini.davina@epa.gov)

\*\*\* Save trees! Please don't print this message unless necessary.

**From:** Nuhfer, Mark  
**Sent:** Friday, February 14, 2014 11:28 AM  
**To:** Marraccini, Davina  
**Cc:** Ghosh, Ben; Thomas, Chris; Schwartz, Paul  
**Subject:** Calls from reporter and SELC attorney re: NC Martin Marietta Vanceboro Quarry Permit

Davina

Ben Ghosh got a voice mail yesterday from a reporter named Christina at 252-489-7805 (it looks like it is probably this person <http://obxreporter.com/about>) asking about North Carolina's NPDES permit for a new quarry near Vanceboro, NC. Have you heard from her or do you want to follow-up with her? Ben is on a detail in Cincinnati and not in a position to talk to the reporter.

Ben also got a call from an SELC attorney and suggested that he talk with our attorney, Paul Schwartz.

I believe that permit is currently under appeal in NC and there has been a fair bit of local controversy and press. I did a quick Google search and didn't see anything recent but maybe there is something coming up with the permit appeal.

Here is the comment letter we sent to the state in May 2013.

We received a revised final draft permit from the State on July 9, 2013 and on July 19, 2013 notified the state that EPA had no further comments.

At this point we don't have a role in the NPDES permit. If the state makes substantial modifications under appeal they might send it back to us for another review but generally they don't

Please let me know if you have any questions.

Sincerely,

Mark Nuhfer, Chief  
Municipal and Industrial NPDES Section  
EPA Region 4  
[nuhfer.mark@epa.gov](mailto:nuhfer.mark@epa.gov)  
404.562.9390

**Pearce, Jennifer**

---

**From:** Marraccini, Davina  
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**To:** Nuhfer, Mark  
**Cc:** Ghosh, Ben; Thomas, Chris; Schwartz, Paul  
**Subject:** RE: Calls from reporter and SELC attorney re: NC Martin Marietta Vanceboro Quarry Permit

I'm fine with the changes and will send to the reporter at 2 pm unless I receive any additional edits.

Thanks!

Davina Marraccini  
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U.S. EPA Region 4  
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404-387-4368 (cell)  
404-562-8335 (fax)  
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Sincerely,

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